

Access For All  
PO Box 1704  
Topanga, California 90290

July 28, 2003

## **PUBLIC VERTICAL ACCESS EASEMENT MANAGEMENT PLAN**

By this agreement, Access for All, a California nonprofit corporation incorporated and qualified as a 501(c)(3) organization undertakes to manage a vertical public access easement offered for dedication within the City of Malibu, Los Angeles County. This easement is located at 22466 - 22500 W. Pacific Coast Highway, Malibu, CA 90265, and was required pursuant to Coastal Development Permit #5-84-754, Ackerberg.

### ***Background***

To permanently protect the public's right to access State Tidelands and to mitigate the impact of private development upon public access, the California Coastal Commission required that an offer to dedicate a vertical public access easement be recorded on this site.

### ***Purpose/ Area Description***

The purpose of this easement is to provide vertical public pedestrian access to Carbon Beach. The easement is 10 feet wide and is located along the eastern boundary of the property line, extending from the northerly property line to the mean high tide line. There is only one existing public accessway to Carbon Beach, approximately 1600 feet to the west, the Zonker Harris accessway, operated by Los Angeles County. In addition, approximately 2200 feet to the east is the site of the Geffen public access easement, which Access for All owns and is preparing to open and operate.

The vertical OTD connects to a lateral public access easement also recorded on the two Ackerberg parcels. This easement is owned by the State Lands Commission and is 148 ft. in length. State Lands Commission also owns an adjacent public access easement, located directly west of the easement they own on the Ackerberg parcels. That easement is 61 linear feet in length. In addition, on the 70 ft. long parcel to the east of the Ackerberg parcels, there is a public access dedication recorded. Thus the vertical OTD directly connects to 279 linear feet of public beach.

### ***Easement Description/ Public Improvements***

The Ackerberg OTD easement appears to be level, and may be mostly paved. A high, solid wall blocks viewing the easement from PCH, and views of the OTD easement from the beach side are obscured as well. Therefore, development of the accessway will be accomplished in two phases.

**Phase 1:** Access for All will accept the OTD. Upon acceptance, Access for All will hire a surveyor to locate the boundaries of the easement and identify encroachments within the easement area. At a minimum it appears that the perimeter wall along PCH is within the easement, as well as two eucalyptus trees and a large generating box. Once the encroachments are identified, Access for All will submit the information to the Coastal Commission staff for review and action.

**Phase 2:** Once the issue of encroachments has been resolved, Access for All intends to replace 10 linear ft. of the solid perimeter wall with gates, operated by a time lock mechanism. Actual delineation of the accessway, whether it be a short side yard fence or marking on the existing pavement, will be determined after it is known what existing improvements are located within the easement area and what the appropriate method for demarcation is. Access for All will work with the property owner to design these improvements. Once Access for All designs the final improvements, they will be submitted to the Coastal Commission and Coastal Conservancy staffs for review and approval and subsequent amendment to this Management Plan, prior to placement of any improvements on the site.

### ***Operation***

Access for All intends to operate this vertical easement from sunrise to sunset daily, consistent with Los Angeles County beach opening hours, as soon as possible. The site will be monitored and trash picked up weekly. A sign will be installed both on the entrance gates at PCH as well as at the southern end (beachside) of the accessway detailing hours of opening and will include a contact number for Access for All.

### ***Annual Report***

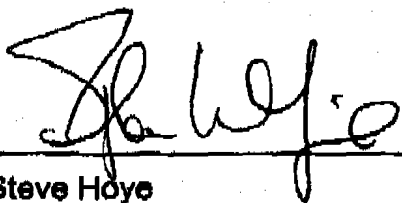
On February 1 of each year, AFA will submit an annual report to the Commission and Conservancy staff. This report shall identify efforts to open the vertical easement area. Once opened, the report shall estimate number of users, and any concerns raised regarding the public use and efforts to address those concerns.

### ***Amendment***

This plan may be amended, as deemed appropriate, with concurrence of all three signatories.

**Agreement**

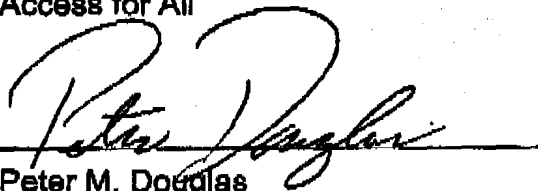
Should Access for All cease to exist or fail to carry out its responsibilities pursuant to the approved management plan, then all right, title, and interest in the easement shall be vested in the State of California, acting by and through the State Coastal Conservancy or its successor in interest, or in another public agency or nonprofit organization designated by the State Coastal Conservancy and approved by the Executive Director of the California Coastal Commission. This right of entry is set forth in the Certificate of Acceptance/Certificate of Acknowledgment by which Access for All has agreed to accept the OTD. The foregoing is agreed to by and between Access for All, the California Coastal Commission and the State Coastal Conservancy.



Steve Hoyer  
Executive Director  
Access for All

7/28/03

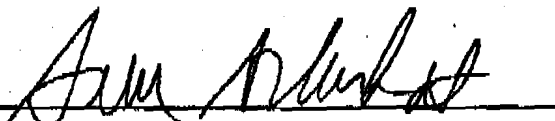
Date



Peter M. Douglas  
Executive Director  
California Coastal Commission

12/14/03

Date



Sam Schuchat  
Executive Officer  
State Coastal Conservancy

11/18/03

Date